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## Intelligence Agencies Are Urged to Tell Of Illegal Actions by Americans Abroad

By a WALL STREET JOURNAL Staff Reporter

WASHINGTON — Intelligence agencies should be required to tell the Justice Department what they know of illegal activity by Americans overseas, such as foreign bribery by U.S. corporations, a Senate committee said.

The recommendation was contained in a report released yesterday by the Senate Intelligence Committee. It's one of several measures the committee urged Congress and the Executive Branch to take to facilitate the prosecution of cases that touch on sensitive national security matters.

In releasing the report, Sen. Joseph Biden Jr. (D., Del.) argued that enforcement of espionage and secrecy laws is hindered by the ability of defense attorneys to threaten to disclose sensitive information if the government proceeds with its prosecution. Sen. Biden cited a report in this newspaper last week that described this tactic as "a game of chicken" being played out in a number of cases, including foreign-payoffs cases, that touch on sensitive intelligence matters.

"Simply stated, the government refrains from prosecuting certain lawbreakers due to the fear that sensitive information would be revealed in the course of a trial," Sen. Biden said. He characterized this process as

"gray mail" and argued that it hinders law enforcement.

The Senate panel urged tougher prosecution of government officials who leak classified information to the press. Committee staff members said that they had in mind prosecuting only "the worst leaks."

Sen. Biden expressed dismay at the government's "failure . . . to take action in leak cases." According to the report, the government hasn't taken any action in 30 recent leak cases, chiefly "because of the Department of Justice's policy of refusing to investigate unless the intelligence community is willing to declassify all information related to the case."

The report specifically urged that:

—Congress develop legislation or administrative recommendations to aid the enforcement of espionage laws and to protect intelligence sources, "especially the identities of agents and employees under cover."

—Intelligence agencies "declassify as many as possible of their reports and studies on matters of public concern to discourage the leaking of versions which haven't been sanitized."

—Intelligence agencies punish past and present employees who leak secrets. Pension rights might be withdrawn for former employees who violate security, the committee suggested.

—The attorney general issue guidelines "on the responsibility of the intelligence community to report crimes to the Department of Justice." Committee officials said that such guidelines would require the Central Intelligence Agency to disclose its knowledge of any future foreign payoffs by U.S. companies. According to sources, the CIA has known about some past corporate payoffs, partly because some of its agents have been disguised as corporate executives abroad.

—Congress should consider creating a special pretrial proceeding to screen information that would be disclosed in prosecution of cases "where national secrets are likely to arise."

Intelligence agencies should be required to tell the Justice Department what they know of illegal activity by Americans abroad, such as bribery by U.S. firms, the Senate Intelligence Committee said. The recommendation was part of a report in which the panel urges steps to facilitate prosecutions involving leaks of sensitive information.